THE SAFEGUARD OF CIVIL LIBERTY IN JAPAN.*

The honor you have conferred upon me by inviting me to be your guest and to deliver an address before you today is regarded by the Bar of Japan as a tribute paid to it by a sister organization of older standing, and consequently of greater prestige. At the dinner given me by the members of that Bar on the eve of my departure, I was instructed by them to convey to you their cordial greetings and the assurance that they hope the day will not be far distant when they may have the pleasure of having one of you to be our guest and deliver an address before us.

The Constitution of Japan [1] provides, among other things, that the Japanese subjects may, according to qualifications, determined in laws or ordinances, be appointed to civil, or military, or any other public offices, equally; that Japanese subjects are amenable to the duty of paying taxes, according to the provisions of law; that Japanese subjects shall have the liberty of abode and changing the same within the limits of law; that no Japanese subject shall be arrested, detained, tried or punished unless according to law; that no Japanese subject shall be deprived of his right of being tried by the judges determined by law; that except in cases provided for in the law, the house of no Japanese subject shall be entered or searched without his consent; that except in the cases mentioned in the law, the secrecy of the letters of every Japanese subject shall remain inviolable; that the right of property of every Japanese subject shall remain inviolable, subject to such provisions of law as may be enacted for public benefit; that Japanese subjects shall, within limits not prejudicial to peace and order, and not antagonistic to their duties as subjects, enjoy freedom of religious belief; that Japanese subjects shall, within the limits of law, enjoy liberty of speech, writing, publication, public meetings and associations.[2] These guarantees would be of little value un-

*Address at meeting of the American Bar Association, Cleveland, Ohio, Aug. 29, 1918, by Honorable Tsunejiro Miyaoka.

1. "The Constitution of Japan was promulgated by the late Emperor Mutsuhito on February 11, 1889, and took effect from November, 1890."

2. See Articles 19 to 29 of the Constitution of Japan.

The Constitution makes the reservation to the effect that the va-

less the Constitution itself provided for the machinery, legislative, executive, and judicial, whose duty it is to see to it that these guarantees are successfully carried out in practice.

The legislative power of Japan is vested in the Emperor and a bicameral legislature called the Imperial Diet. The Diet consists of an upper chamber known as the House of Peers and a lower chamber known as the House of Representatives. The upper chamber corresponds to the House of Lords, and the lower to the House of Commons in Great Britain.

Article 37 of the Constitution of Japan provides:

"Every law requires the consent of the Imperial Diet."

Article 62 of the same document provides, in effect, that the imposition of a new tax or a modification of the existing rate of any tax, except all such administrative fees as are in the nature of compensation for a special service rendered by a government official, shall be determined by law. The same article provides that the raising of national loans and the contracting of other liabilities to the charge of fiscus (National Treasury) requires the consent of the Imperial Diet. Article 65 of the Constitution of Japan provides:

"The budget shall be first laid before the House of Representatives."

The time-honored adage of the British Constitution that the House of Commons holds the purse-string is therefore worked out in practice in Japan. The Emperor is the chief executive as well as the Commander-in-Chief of the Army and Navy, but the English Constitutional principle that the "King can do no wrong" also finds its place in the Constitution of Japan, for it says "the

---

rious guarantees are subject to the exercise of powers appertaining to the Emperor in times of war or in cases of a national emergency. When the Emperor declares a state of siege, there may be an entire or a partial suspension of those guarantees. It is the prerogative of the Crown to declare, in time of war or insurrection, a state of siege in any particular locality, or over the whole Empire. However, the Emperor himself is not authorized to determine how far the Constitutional guarantees of civil liberty may be suspended. The law provides the effect which the Imperial declaration of a state of siege shall have upon the enjoyment of civil liberty.

Emperor is sacred and inviolable." [3] The question remains, "If the sovereign can do no wrong, who is responsible?" In the excellent address which he delivered at your meeting last year, Mr. Robert McNutt McElroy, of New York, recalled the words used by William Pitt in the resignation he presented to King George III. That Minister of the Crown declared, "I consider myself called to the post of Prime Minister by the people of England, to whom I consider myself responsible. I will not remain responsible for measures I am no longer allowed to guide."

The Constitution of Japan is silent as a sphinx when it comes to the question to whom the Ministers of State are held accountable. Article 55 of the Constitution merely declares:

"The respective Ministers of State shall give their advice to the Emperor, and be responsible for it.

"All laws, Imperial Ordinances, and Imperial Rescripts of whatever kind that relate to the affairs of State require the counter-signature of a Minister of State."

If any law, ordinance, or a rescript is issued and made public by the Emperor over his own signature, but without the counter-signature of one or more Ministers of State, such law, ordinance or rescript is null and void. Reading Article 55 side by side with the declaration of Article 3, to the effect that "the Emperor is sacred and inviolable," there will be no doubt in the mind of an American jurist as to the party to whom the Ministers of State, collectively called the Cabinet, are accountable. Thus far it has been maintained in practice that the responsibility of Cabinet Ministers is one owing to the Crown and not to the Imperial Diet. At acute stages of Japan's internal political struggle this point comes up perennially for debate in the House of Representatives; but manifestly it is a point on which men will differ according as they take conservative or liberal view of things.

Now that the great Emperor who gave a written Constitution to his people, as well as the majority of the great men who served him in the work, are no longer with us, many of the things that were thought and said at the Counsel table when the draft of the Constitution was examined, discussed and adopted, would

3. Article 3 of the Constitution of Japan.

never have come to light. The Emperor Mutsuhito was so broad in his vision, and to his piercing eye the remote future was so near, that at times his Ministers of State failed to see what it was that prevented His Majesty from giving imperial sanction to a measure recommended. To me Article 55 of the Constitution of Japan is more significant for what it omits to say than for what it mentions. Compare the first paragraph of Article 55 with Article 5, for example, which declares "the Emperor exercises the legislative power with the consent of the Imperial Diet;" or with Article 37, which says "Every law requires the consent of the Imperial Diet." The language of the Japanese Constitution is so terse, so simple and so direct, that it is evidently a work of a group of men who lacked neither clearness of vision nor precision in the art of expressing thoughts. We shall probably do justice alike to the greatness of the Emperor, whom we now call by his posthumous title, Meiji, as well as to the faithful devotion of his able Ministers, if we take the view that the first paragraph of Article 55 was purposely left a political sphinx. The transition of Japan from an absolute monarchy in 1890 was, of course, surrounded by many dangers.

The total collapse of Russia, as well as the partial success of the republican form of government in China, are but reminders of a political wisdom, which the world has known for ages. No vital change in the form of government can be adopted by a people without risk of the complete undermining of the reign of law. There is always a danger of the whole people running mad in the ecstacy of a newly acquired liberty and in the consciousness of a newly vested power. To you who are so familiar with the growth of the jurisdiction of the Court of Chancery in England as well as in the British colonies on this continent, it is unnecessary for me to say that laws are modified not merely by acts of legislature, but are susceptible of change of an interpretation. Nor is the reversal of an interpretation the sole prerogative of law courts. We see among us today familiar faces of many distinguished jurists who at one time or another, as Attorneys General of the United States, or of one or another of the several states of he Union, deliberately changed the course of administration of law, so far as the executive branches of the respective governments with which they were identified were con-

cerned. Is it not reasonable to suppose that the Japanese nation, in its wisdom and in its own time, will solve its constitutional problem in a manner best adapted to its genius and the requirements of the age?

Article 57 of the Constitution of Japan provides that "The judicature shall be exercised by the courts of law, according to law, in the name of the Emperor," and that "The organization of the courts of law shall be determined by law." The Constitution further provides that the "Judge shall be appointed from among those who possess proper qualifications according to law and that no judge shall be deprived of his position unless by way of criminal sentence or disciplinary punishment, the rules of which shall be determined by law." [4]

1. Personal Liberty.

As the most important of civil liberties let us take up first of all the question of protection accorded to persons—that is to say, the question of arrest, detention, trial and punishment. This phase of the subject cannot be made intelligible without saying a few words regarding the Public Prosecutors and the Judge of Preliminary Examination. There are four grades of law courts in Japan apart from certain special courts such as the Administrative Court, the Maritime Court, or the special jurisdiction of the Patent Office in matters relating to patents, trade marks, etc.[5]

The jurisdiction of the lowest court in criminal matters is limited: firstly, to crimes punishable with imprisonment not exceeding 30 days or fine not exceeding 20 yen, which is equivalent to

4. See Article 58 of the Constitution of Japan. See also law relating to the Organization of Law Courts. which was promulgated on February 10, 1890, and took effect from November 1, 1890.

5. The lowest court is called the Local Court. The one above it is the District Court. Then comes the Courts of Appeal, and above all there is one Court of Cassation, which is the highest tribunal of the Empire, and unifies the interpretation of laws both in criminal and civil matters. Each of the courts, except the lowest, has one or more civil departments. In the lowest court, if there are two or more judges, the work may be divided among the judges in accordance with the rules laid down by the Minister of State for Justice, so that it is quite possible to have one judge attending to criminal matters and another judge attending to civil matters only.

$10 United States currency. (Japan is a gold standard country and its currency is on decimal system. Yen, which is the standard unit, is equivalent to 50 cents of United States currency, though at present the rate of exchange is slightly against the United States.) Secondly, the criminal jurisdiction of a local court is limited to such cases only as have not been submitted to Preliminary Examination. Whether a case shall be submitted to Preliminary Examination or not is determined by the following rules:

If the crime with which the defendant is charged is one that makes him liable to capital punishment or imprisonment for life, or if the prescribed minimum term of imprisonment is one year or more, then the Public Procurator must ask for a Preliminary Examination. It is only when the Judge of the Preliminary Examination decides that the case shall go to trial, that the Public Procurator is permitted to bring the case before the court in the usual way. In cases where, as the result of investigation undertaken by him, the Public Procurator is satisfied that the offense is one for which the minimum term of imprisonment is less than one year, with or without hard labor, then in such a case it is optional for him either to ask for Preliminary Examination or to submit the case forthwith to the public trial of the District Court to which he is attached.

To every court is attached an office of the Public Procurators. The Public Procurators are regarded as one body. It is a body of State Attorneys at the head of which stands the Attorney General, who acts as Chief Procurator of the Court of Cassation and has under his control all the other State Attorneys. It is this body of State Attorneys which conducts prosecutions in behalf of the State. In every District Court there are one or more judges of Preliminary Examination. They are named by the Ministers of Justice from among the Judges of the Court in pursuance of a provision contained in the law of Organization of Law Courts.[6] it is this system of Preliminary Examination that has so often been held up by the enemies of Japan as the machinery for the oppression of her people. This is no more nor less than an examination by the juge d'instruction in France, and serves pre-

6. See Article 21 of Law Organization of Law Courts, promulgated as Law No. 6 on February 10, 1890.

cisely the same purpose as an indictment before a grand jury in this country.

Just as a defendant is discharged under the Anglo-American system, if the grand jury does not find a true bill against him, so under Franco-Japanese system a person is not subjected to the indignity of a public trial on an alleged offense of a serious character unless and until a Judge of Preliminary Examination has thoroughly examined the case and pronounced his judgment that there is a prima facie case against the defendant.[7]

7. A judge of Preliminary Examination is not authorized to issue a warrant of arrest against the defendant forthwith upon the filing of a prosecution by a Public Procurator except in cases where the defendant has no determined place of abode, where there is danger of his escape or his tampering with the evidence of his guilt, or where the defendant is charged with the attempt of a criminal act, or with duress or intimidation and there is actual danger of his further committing the offense. Except in such cases the Judge of Preliminary Examination must confine himself to the issue of a writ of summons, allowing at least 24 hours between the service of the writ and the time the defendant is required to appear before the judge. The judge is further interdicted from issuing a writ of arrest until and after he has personally examined the defendant, and is satisfied that the latter is charged with a crime which upon conviction makes him liable at least to a penalty of imprisonment. (See articles 69, 72 and 75 of the Code of Criminal Procedure of Japan.) The Code of Criminal Procedure further provides that whenever and as soon as a Judge of Preliminary Examination is persuaded that the act with which the defendant is charged does not make him liable to imprisonment with or without hard labor, or any heavier penalty than that, he must forthwith cancel the writ of detention and set the prisoner free. (Article 86.) The law requires the Judge of Preliminary Examination to begin the investigation of the case submitted to him by a personal examination of the defendant himself—that is to say, the examination of the defendant must precede the examination of any other party, complainant, witness or party in interest. (Article 93.) The Judge of Preliminary Examination is expressly prohibited from taking recourse to any form of threat, intimidation or falsehood with a view to extract from the defendant a confession of his guilt. (Article 94.)

The law declares that no visit to the place of the commission of the offense, or any other place, domiciliary searches, seizures of things, or examination of a defendant or a witness can be conducted by a Judge of Preliminary Examination without the attendance of a

A tribunal is composed of three Judges both in a District Court as well as in a Court of Appeals. In the local Court, which has jurisdiction in minor offenses only, the Judge sits alone; in the Court of Cassation, five judges compose a tribunal which hears argument for and against the appeal on error of law. In all cases, without exception, both the prosecution as well as the defendant have the right of appeal. A case originating in a Local Court goes on appeal to that District Court in whose jurisdiction that Local Court is situated. A case tried in the first instance in one of the District Courts goes on appeal to that Court of Appeal which has jurisdiction over that District Court. There is always a new trial on appeal. On an error of law there is always a further appeal from the decision of the court which heard the case on appeal, whether that court may be a District Court or a Court of Appeal. The appeal on error goes direct to the Court of Cassation. In this way the uniformity of the interpretation of law is maintained. In the Court of Cassation there are several Civil and Criminal Departments. In the event one of the Civil or Criminal Departments of the Courts of Cassation finds it proper to render a judgment differing on point of law from the decision previously rendered by one of more departments of the same court, then the Presiding Judge ot that Department must ask the President of the Court to convene a joint sitting of all the Criminal or all the Civil Departments, or of all the departments taken together. In such

Clerk of the Court, who shall make a minute of proceedings and sign the same with the Judge himself. (See Article 92 of the Code of Criminal Procedure.) As the examination of the defendant by the Judge progresses, the Clerk of the Court must record the questions of the Judge and the answers given by the defendant. Upon completion of the examination the Clerk must read the record to the defendant whether it is satisfactory to him. If the defendant requests the record should be changed in any particular, the judge must ask in what manner he wishes the record altered, and the questions as well as the answers given must be recorded in the minutes of the examination. (See Articles 95 and 96 of the Code of Criminal Procedure.) The defendant has a right to have a copy of the minutes of his examination supplied to him. (Article 97.) It is the duty of the Judge of the Preliminary Examination to investigate all the facts which are favorable to the defendant equally as those that are against him. (Article 103.)

a case the arguments for the appellant and the respondent are heard in the plenary sitting of the departments convened or the entire court, as the case may be, and the decision is given by the court so sitting.[8]

The Code of Criminal Procedure declares that no restraint may be placed on the person of a defendant at his public trial, that he shall be free to employ one or more counsel to defend him, and that with the permission of the court he may even employ a person other than a qualified attorney-at-law to act as his defender. If the defendant is younger than 15 years of age, or a woman, deaf or dumb, or shows symptoms of unsound mind, or if for any other reason the court deems it desirable to employ a counsel, the court may, upon the motion of the prosecution, or on its own accord, appoint a counsel to defend the person accused.[9]

2. Freedom from Domiciliary Visit.

Cases in which officers of the law are authorized to go into an inhabited house without the consent of the occupant, are limited: firstly, to cases where a policeman or a gendarme armed with a warrant of arrest has reason to believe that the person named on such warrant is hidden in his own or in another man's residence. In such a case the presence of the Mayor of the city, town or village, as the case may be, or the presence of two neighbors is required in order to enable the policeman or the gendarme to make the search in all the premises. Such Mayor or neighbors must sign with the policeman or gendarme the minutes of the proceedings prepared by the latter.[10]

Secondly, Judges of Preliminary Examination are authorized to make similar domiciliary visits to the house of a person charged with the commission of a crime or of a person suspected of keeping in his possession a document, or a thing that would prove the guilt of the accused. In case the defendant or the person suspected of keeping in his possession important proof of the guilt of the accused, is absent from his home, the presence of a member of his family or a relative living with him, and in the latter's

8. See Law of Organization of Law Courts, Articles 49 and 54.
9. Code of Criminal Procedure, Articles 177, 179, 179 bis.
10. Code of Criminal Procedure, Article 78.

absence the presence of the Mayor of the city, town or village, as the case may be, is required.[11] No domiciliary search may be made either by the police or gendarme or a Judge of Preliminary Examination after sunset and before sunrise except in hotels, restaurants and other like places which may be visited during the hours the place in question is actually open to the public.[12]

Thirdly, there is a statute called the Law of the Exercise of Administrative Authority which empowers competent administrative officials to enter into houses without the consent of the occupant even during the hours between sunset and sunrise, in cases where such officials have reason to believe that there is imminent danger to life or property, or that gambling or prostitution is actually going on in the premises. The same law, moreover, authorizes such competent administrative officials to visit hotels, restaurants and other similar public establishments during the time they are open to the public.[13]

3. Privacy of Correspondence.

According to Article 133 of the Penal Code of Japan, a person who has opened a sealed letter of another without justifiable cause is liable to imprisonment, with or without hard labor, for a term not exceeding one year or a fine not exceeding 200 yen.

Article 52 of the Postal Law of Japan provides that a person who has tampered with a mail matter while in the custody of the Postal Administration, or has delivered it to a person other than the rightful addressee, is punishable by imprisonment, with or without hard labor, for a term not exceeding three years or a fine not exceeding 500 yen.[14]

Similar penal provisions are found in the Telegraph Law of Japan with respect to the crimes of tampering with sealed telegraphic messages or divulging matters forming the subject of correspondence by telegraph or telephone.[15] The Penal Code con-

11. Code of Criminal Procedure, Article 104.

12. Code of Criminal Procedure, Articles 78 and 104.

13. See Article 2 of the Law of Exercise of Administrative Authority of June 2, 1900.

14. Postal Law of Japan of March 13, 1900.

15. Articles 31 and 35 of the Telegraph Law of Japan. (Law No. 59 of March 14, 1900.)

tains further provisions regarding the destruction of official documents and papers, writings, memorandum and other instruments belonging to others that relate to rights and duties.[16]

4. Liberty of Conscience.

There is no law in Japan that relates to the limitation of faith or that gives preference to any form of religion. As there are so many temples and shrines of Buddhist and Shinto religion in the country, there is naturally a large body of statutes and regulations relating to the secular administration of sects or the enjoyment of property rights by ecclesiastical corporations. The wording of Article 28 of the Constitution of Japan is so simple and direct that it requires no supplementary legislation to give effect to its provision. Freedom of religious belief is only limited by the condition that the belief shall not be prejudicial to peace and order, nor incompatible with the duties which an individual as a Japanese subject owes to the sovereignty of the Empire.

5. Right of Property.

Now proceeding to an examination of legal limitations to rights of property, I would state that the expropriation of land for educational, scientific or philanthropic purposes, as well as for such public purposes as railroads, public highways, bridges, river embankments, canals, docks, harbors, aqueducts, transmission of electricity, laying of gas-pipes, sewer-pipes, etc., is permitted in Japan as in many other countries. The Cabinet—that is to say, the office of the Prime Minister—determines whether a certain work contemplated by a given individual or corporation is of such a character as to warrant the application of the Expropriation Law to land needed for the furtherance of that work. In the affirmative case the Cabinet issues a public notice to that effect, whereupon the Local Governor of the place where the expropriation will take place gives a public notice specifying the pieces of land affected by the decision of the Cabinet, or otherwise notifies the parties whose rights are involved.

The party that is entitled to expropriate must negotiate with the owner of the land concerned as to the amount of compensa-

16. Penal Code of Japan, Articles 258 and 259.

tion payable. In the event the parties fail to come to an agreement, the party in whose behalf the Expropriation Law has been set in motion, is authorized to ask for the award of a Land Expropriation Commission composed of seven persons. The Local Governor is the Chairman of that Commission, while three of the six members are appointed from among higher officials of the Imperial Government, and the remaining three are chosen by the Prefectural Council from among their own number. A Prefectural Council is an elective body and corresponds to the Board of Aldermen in cities. There is one Prefectural Council to each Local Government. An owner of the land unsatisfied with the amount of compensation awarded by the Land Expropriation Commission may bring an action for the determination of the amount of compensation in the law courts against the party trying to expropriate him. On all points covered by the decision or award of the Land Expropriation Commission other than what relates to compensation, the party that believes its right infringed by the award may bring an action before the Administrative Court.[17]

Conditions relating to Military Exactions are determined by Law No. 43 of August 12, 1882. Such exactions are only permissible if required by the Japanese Army or Navy in connection with its mobilization. That law also requires that whatever is expropriated must be paid for, and minute provisions are embodied in that law relating to the assessment of the amount of compensation due the owner of things appropriated.

6. Safeguard against Inequitable Taxation.

The provisions of the Constitution declaring in effect that no tax can be imposed except in pursuance of a law, and that all laws require the consent of the Imperial Diet, are perfectly clear. However, it is permissible to inquire how the taxation laws are enforced. It is obviously impossible to go into a careful examination of such a matter within the narrow compass of a single address. However, the democratic spirit which pervades the leg-

17. See Expropriation Law of March 7, 1900, as amended by Law No. 15 of 1914. Regarding the organization and jurisdiction of Administrative Court, see Law No. 48 of June 30, 1890.

islation of Japan relating to the levy and collection of taxes will be apparent if I refer to certain features of the Business Tax and the Income Tax Law.[18]

All over the country there are scattered about a large number of Internal Taxation offices which in the United States would be called offices of the Collectors of Internal Revenue. The entire country, for the purposes of the collection of internal revenue, is divided into supervising districts, so that within the jurisdiction of an Internal Taxation Supervising Officer there are a number of Internal Taxation Offices, each of which has its own district.

The factors which are to serve as the basis of calculation in the assessment of income or business tax are specified in the laws themselves, but the question as to which schedule or what factors stated in the Business Tax Law are applicable to a particular case or what the amount of taxable income is, is a question of fact to be determined in each case. For the determination of such facts both the Business Tax Law as well as the Income Tax Law require that Assessment Committees shall be chosen from among the taxpayers themselves. The election is by double election—that is to say, the electoral college is chosen by the taxpayers; provided, however, that not more than twenty electors shall be appointed in each electoral district. The twenty men so chosen elect the necessary number of men to form the Assessment Committee.

If any taxpayer is dissatisfied with the assessment made by the committee and communicated to him by the government, he has a right of appeal to the government, which must in turn submit the case to the Investigation Committee composed of three taxation officials and four members of the Assessment Committee. In other words, the democratic element is in the majority.

If the Government accepts the decision of the Investigation Committee while the taxpayer is dissatisfied, the recourse of the latter is an administrative action before the Administrative Court.

---

18. Business Tax Law now in operation was promulgated as Law No. 33 on March 28, 1896.

Income Tax Law now in operation is the Revised Income Tax Law of February 13, 1899.

See particularly Articles 26, 27 and 28 of the Business Tax Law and Articles 11, 12, 14, 15, 28, 31, 36, 37 and 39 of the Income Tax Law.

7. LIBERTY OF SPEECH, WRITING AND PUBLICATION.

Article 52 of the Constitution of Japan declares:

"No member of either House of the Imperial Diet shall be held responsible outside the respective Houses for any opinion uttered or for any vote given in the House. When, however, a member himself has given publicity to his opinions by public speech, by documents in print, or in writing, or by any other similar means, he shall in that matter be amenable to the general law."

The restrictions on the liberty of speech, writing and publication are contained in Law No. 36 of March 10, 1900, called the Law of Public Safety Police, the Penal Code, the Law of Publication [19] and the Press Law.[20] In none of these laws is there any restriction on the legitimate enjoyment of the freedom of speech. The Penal Code of Japan, like that of any other civilized nation with monarchial form of government, contains special clauses relating to the crime of slander and libel committed against the Emperor or members of his family, in addition to ordinary cases of slander and libel generally. The Laws of Public Safety Police and Publication, as well as the Press Law, provide that matters relating to the preliminary examination of offenses shall not be discussed in public speech, in printed books or pamphlets, or in the press; that criminals shall not be made objects of public encomium or approbation; that nothing tending to subvert the political institutions of the country or otherwise lead to breach of public peace, or anything contrary to good morals shall be publicly discussed. These are measures which all civilized States adopt for their own safety. No official document relating to diplomatic, military or other State secrets, which have not been divulged by the departments of the Government concerned, may be made public, and the Ministers of State for War, for the Navy and for Foreign Affairs are authorized to prohibit publication in the press of matters which for military or diplomatic reasons should not be made public. It is impossible for me to enter at this place into a more detailed examination of the provisions of the laws referred to, but I assure you that the limitations are for the good of the country.

---

19. Law No. 15 of April 1, 1893.
20. Law No. 41 of May 6, 1909.

8. LIBERTY OF ASSOCIATIONS AND OF PUBLIC MEETINGS.

No secret society is permitted in Japan. The Law of Public Police contains regulations governing the formation of political parties, political gatherings, and outdoor demonstrations.

CONCLUSION.

The more you see of us and the more you hear us speak, the more you will be convinced that we do things in Japan much in the same way as you do in this country. The quaint customs, the oddity of things, the picturesque in the scenery, attire and the ways of life in distant lands appeal to the imagination. In the description of Japan which travelers and sojourners from this country have given you, emphasis has been placed on points wherein we differ from you. The points of resemblance are never noted for the reason that the realities of life are prosaic. On the one hand, we have been depicted as a nation of poets who did nothing else but sit under plum blossoms, sip tea and sing the glory of the moon. On the other hand, we have been described as an exceedingly polite people who never thought of their own convenience or inclination, but to whom the will and the pleasure of others are law, who considered that if their rights were invaded it was simply a matter to be met with by a pleasant smile. Such an extraordinary overestimation of Japanese character, which we do not merit, serves no useful purpose. It does not draw the peoples of the two countries an inch nearer to each other, but each remains a strange people to the other.

In this great war in which the attention of all thinking men is centered, it is whispered here and there whether Japan has not misplaced herself in siding with the Allies against the Central Empires of Europe. In the laconic brevity of mottoes and slogans there is always the danger of the vulgar and the unthinking misinterpreting the meaning intended to be conveyed. When President Wilson declared that this was a war of Democracy versus Autocracy, manifestly he did not mean that this was a war of Republicanism versus Monarchism. The people of the United States are the last people on earth to deny to another people the right to choose for themselves that form of government which the latter thinks is best adapted to themselves. Is not Germany's

denial to some of the unfortunate people under her sway of the right to choose their own sovereignty, one of the crimes for which we hold her responsible? The United States went into this war because the German warfare against commerce was a challenge to all mankind. It is for the vindication of human right that this nation is stirred to the core.

Japan has the same ideals to which you are dedicated. We stand for the rights of humanity. If in this brief address I have made clear to you some of the fundamental principles on which our legislation is based, if I have shown that the Japanese people are not the kind of people to quietly submit to the invasion of their rights or the curtailment of personal liberty, I may congratulate myself on having contributed something towards the better understanding between our two countries.

When it is suggested that Japan is misplaced in this war because this is a war of democracy against monarchy, I see the subtle working of German propaganda. Germany is determined that Japan and the United States shall not be friends; Germany today is sowing the seeds of mistrust between us with the same insistence that has marked her activity in that direction ever since Japan has become a factor to be considered in world politics. If you will recall with what punctilious observance of the rules of civilized warfare Japan fought her wars of 1894-95 and 1904-05, and if you will consider the manner in which we safeguard the civil liberty of our people at home, you will perceive that we place justice and right over material prosperity, military efficiency, or achievements in science and in art.